

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICARDO VELASQUEZ,	:	
	:	22-CV-3726 (VEC)
Plaintiff,	:	
-against-	:	<u>ORDER</u>
	:	
BMZ EV LLC, a New York limited liability	:	
company, d/b/a BANH MI ZON, and LELDS	:	
ASSOCIATES LLC, a New York limited liability	:	
company,	:	
	X	
Defendants.		

VALERIE CAPRONI, United States District Judge:

WHEREAS on May 8, 2022, Plaintiff sued BMZ EV LLC and Lelds Associates LLC alleging that their failure to make their premises accessible to disabled persons violates the Americans with Disabilities Act (“ADA”) and the New York City Human Rights Law, Dkt. 1;

WHEREAS on August 30, 2022, the Court ordered Plaintiff to seek leave to file an amended complaint that adequately alleges standing or show cause as to why the case should not be dismissed for lack of standing not later than September 7, 2022, Dkt. 12; and

WHEREAS on September 7, 2022, Plaintiff filed an Amended Complaint without seeking leave from the Court;

IT IS HEREBY ORDERED that the Clerk of Court is respectfully directed to strike Plaintiff’s untimely amended complaint, Dkt. 13, as well as Defendant Lelds Associates LLC’s answer, Dkt. 17, from the docket.

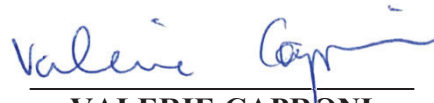
IT IS FURTHER ORDERED that, by no later than **Monday, December 12, 2022**, Plaintiff must seek leave to amend his complaint through a proper motion or show cause as to why the case should not be dismissed for lack of standing. Defendants must file any response

not later than **Friday, December 23, 2022**, and Plaintiff must file any reply not later than **Wednesday, January 4, 2023**. The Court will set a new schedule for Defendants to answer or move to dismiss Plaintiff's amended complaint should it grant Plaintiff's motion for leave to amend.

IT IS FURTHER ORDERED that the status conference scheduled for Friday, January 6, 2023 is hereby adjourned *sine die*.

SO ORDERED.

Date: December 5, 2022
New York, New York



VALERIE CAPRONI
United States District Judge